reserved for regulation by the states and constitutionally protected from federal interference, and therefore held proof of other restraint upon interstate commerce than resulted therefrom to be necessary. The later cases decide that the holding company, when used as a method of restraining interstate commerce, is not so protected; and as its existence confers power to restrain, dissolution may be ordered to prevent continued violations of the act.

Discussing the question whether the statute embraces contracts legal at common law, Mr. Taft defends the construction adopted in the *Standard Oil Case*. Following the classification made in his noteworthy opinion in the *Addyston Pipe Case* (85 Fed. 271), he enumerates the restraints held reasonable at common law and points out that the opinion in the *Joint Traffic Association Case* (171 U. S. 505) expressly excluded all these from the operation of the statute (p. 63). The combinations involved in the *Joint Traffic Association* and *Northern Securities* cases, he asserts, would have been held unreasonable at common law (pp. 68, 76). This statement, we suggest, is to be read as meaning the common law adopted in this country. When the Sherman Act was passed, there was a considerable body of law against the legality of combinations to regulate prices or restrain competition, developed by state courts in the Standard Oil, Sugar Trust, Whiskey Trust, and kindred litigation.

The same test of reasonableness has not, however, been accepted in England. As early as *Hare* v. *London & Northwestern Ry. Co.* (2 Johns. & Hen. 80, 103), an agreement between competing railway companies to divide traffic was upheld, because "it is a mistaken notion, that the public is benefited by pitting two railway companies against each other until one is ruined." *Urmston* v. *Whitelegg* (63 L. T. N. S. 455), cited by the author in his opinion in the *Addyston Pipe Case* as holding illegal an agreement of dealers to maintain prices, was affirmed in the Court of Appeals on the ground that the agreement was unreasonable as to both time and area (55 J. P. 453); and was explained and a contract to keep up prices upheld in *Cade* v. *Daly* (1910, 1 Ir. R. 306). The *Hare Case* received little attention, and it was not until after the Standard Oil decision that the law was definitely declared in England. In the case of *Attorney General* v. *Adelaide Steamship Co.* (1913, A. C. 781), the House of Lords held a very complete system of contracts between owners of coal mines and carriers who sold the coal, restricting and apportioning the output and fixing prices, not "to the detriment of the public" within the meaning of the Australian statute. An arrangement of manufacturers of salt involving these elements, and in addition, a system of restrictive contracts, was held valid at common law and enforceable as between the parties, in the absence of proof that the prices fixed were unreasonable, in *Northwestern Salt Co.* v. *Electrolytic Salt Co.* (1914, A. C. 461). These two decisions seem to settle the rule in England that contracts or the possession of power to regulate prices or restrain competition among the parties, though accompanied by division of territory and restriction of output, are not *per se* unlawful; but that to show illegal restraint of trade there must be proof that (1) trade has been actually restrained, and (2) unreasonable prices have resulted. H. F. S.

LEADING CASES IN CANADIAN CONSTITUTIONAL LAW. By A. H. F. Lefroy, K.C. Toronto: The Carswell Company. 1914. pp. xxi, 112.

Here are presented abstracts of thirty-one cases dealing with the British North America Act, 1867. Almost all were decided in the Judicial Committee of the Privy Council. Extracts from the opinions are given when necessary. Yet the greater part of almost every abstract is in the words of the author; and the author has included with his abstract of each case such comments as

will aid the student to understand the case, and place it in its proper relation to the whole subject.

As the British North America Act is a statute act of the British Parliament, a body in which Canada does not have representation, and as it is amendable like any other British statute, it resembles an Act of Congress as to a territory, rather than a constitution in the sense in which that word is used in the United States. There is, however, an important resemblance to a constitution, for the instrument deals with government and specifies the legislative powers of the Dominion and of the constituent Provinces.

The cases of greatest interest are probably those indicating that the British Parliament still retains legislative power in Canada (p. 8), that a Provincial legislature may delegate power to make local regulations for the government of taverns (p. 10), that warehouse receipts taken by a bank are within the exclusive jurisdiction of the Dominion Parliament as distinguished from Provincial legislatures, because coming within a class specified in the British North America Act, sec. 91, par. 15, as "banking, incorporation of banks, and the issue of paper money" (p. 14), that the silence of the Dominion Parliament as to matters which the Act places within its exclusive jurisdiction does not enlarge the legislative powers of the Provinces (p. 20), that the exclusive legislative powers of the Dominion Parliament need not be exercised as to the whole geographical extent of the Dominion (p. 26), that the Dominion Parliament may enlarge the powers of the Provincial courts by imposing upon them a jurisdiction as to matters not within the authority of the Provincial legislatures (p. 27), that a part of a statute may be valid although the remainder is *ultra vires* (p. 37), that the Dominion's exclusive power as to the regulation of trade and commerce, given in sec. 91, par. 2, does not prevent a Provincial Parliament from legislating as to local, sanitary and police matters, and, more specifically, as to fire insurance (pp. 40, 53), that a company incorporated by the Dominion for purposes within the Dominion's exclusive powers cannot be regulated by a Provincial legislature as to matters expressly authorized by the company's charter (p. 49) and that the definition of the phrase "direct taxation" is a legal problem and not necessarily to be solved in harmony with the views of economists (p. 62).

An appendix contains the essential parts of the British North America Act; by presenting in brief form both the Act and the chief decisions, the book achieves well its purpose of giving to a student a rapid and vivid view.

E. W.

GERMAN LEGISLATION FOR THE OCCUPIED TERRITORIES OF BELGIUM. Official Texts, edited by Charles Henry Huberich and Alexander Nicol-Speyer. The Hague: Martinus Nijihoff. 1915. pp. viii, 108.

On August 26, 1914, the German government vested in a Governor-General the legislative power over the occupied territories of Belgium. The laws and ordinances promulgated by the Governor-General are presented in this small volume. They bear dates from September 2, to December 20; but, unless otherwise specified, they took effect from the time of promulgation in the official publication entitled *Gesetz- und Verordnungsblatt für die okkupierten Gebiete Belgiens*," namely, from September 5, to December 26. The original text is German; but there are official translations into French and Flemish, and the three versions as given in the *Gesetz- und Verordnungsblatt* are presented in this volume without comment. There is a short introduction, containing, among other things, such provisions of the Hague Convention of 1907 on the Laws and Customs of War on Land as deal with authority in occupied territory (Hague Convention, 1907, No. 4, Arts. 42, 43, 45, 46, 48, 49, 51, 53).

First comes a proclamation in which the most interesting passages are: